UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,188	02/27/2004	Ulf R. Hanebutte	INT.P013	6945

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EXAMINER
LE, JOHN H

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/789,188	HANEBUTTE, ULF R.
	Examiner	Art Unit
	John H. Le	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 September 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6, 12-15, 17-20, 24-28 and 31-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>1-6, 12-15, 17-20, 24 and 31-35</u> is/are allowed.

6)☒ Claim(s) <u>25-28 and 36-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Response to Amendment

1.   This office action is in response to applicant's amendment received on

09/01/2006.

Claims 1, 12, 13, 17, 18, 24, and 25 have been amended.

Claims 7-11, 16, 21-23, 29-30 have been cancelled.

Claims 31-38 have been added.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 25 and 38 are rejected under 35 U.S.C. 102(e) as being

anticipated by Thelander et al. (US 2003/0009705).

Regarding claim 25, Thelander et al. disclose a power evaluation unit

comprising: a data retriever unit (client service process 305) to retrieve power

data (e.g. [0061]) to an operating system (301) by a battery (e.g. [0061], [0083],

computer 205 is operating from battery power); and a data processor unit

(microcontroller) to determine a net power consumption of an application from

the power data (e.g. [0060]).

Regarding claim 38, Thelander et al. disclose a power evaluation unit

comprising: a data retriever unit (client service process 305) to retrieve power

data (e.g. [0061]) to form an operating system (301) by a battery (e.g. [0061],

[0083], computer 205 is operating from battery power); and a data processor unit

(microcontroller) to determine a net power consumption of an application from

the power data (e.g. [0060]) by integrating a drain rate of the battery over the a

period of time measured (e.g. Fig.4, [0044]-[0045]).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

5.   Claims 26-28 and 36 is rejected under 35 U.S.C. 103(a) as being

unpatentable over Thelander et al. (US 2003/0009705) in view of Potega (US

2003/0085621).

Regarding claim 26, Thelander et al. fail to teach power data comprises

power capacity and drain rate data from a battery.

Potega discloses the power data comprises power capacity (e.g. [0149])

and drain rate data from a battery (e.g. [0186]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to inform the power data comprises power capacity and

drain rate data from a battery as taught by Potega in a method for managing

power data of Thelander et al. for the purpose of providing a intelligent power

supplly (Potega, [0081]).

Regarding claim 27, Potega discloses a data evaluation unit to determine

a systematic error associated with a run-time for the power data (e.g. [0118]).

Regarding claim 28, Potega discloses the data evaluation unit determines

a new run-time that reduces the systematic error (e.g. [0489]).

Regarding claim 36, Thelander et al. disclose a method for managing

power data ([0008]), comprising: determining an amount of power used by a

system running an application over a first time period from an operating system

(e.g. [0056], [0058]-[0060]) by integrating a drain rate of the battery over the time

period (e.g. Fig.4, [0044]-[0045]); determining an amount of power used by the

system in a baseline state over a second time period from the operating system

(e.g. [0056], [0058]-[0060], [0093]); and determining a net power consumption of

the application from the amount of power used for the system running the

application and the amount of power used by the system in the baseline state

(e.g. [0056], [0093]).

Thelander et al. fail to disclose determining an amount of power used by a

system running an application over the time period from power data supplied to

an operating system by a battery over the time period.

Potega teaches steps of determining an amount of power used by a

system running an application over the time period from power data supplied to

an operating system by a battery over the time period (computer running power

management software monitors status of battery and control power supplied,

[282]-[285], [183]-187]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to inform steps of determining an amount of power used by

a system running an application over the time period from power data supplied to

an operating system by a battery over the time period as taught by Potega in a

method for managing power data of Thelander et al. for the purpose of providing

a intelligent power supplly (Potega, [0081]).

6.   Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Potega (US 2003/0085621) in view of Karunaratne (US 2004/0243376) and

Culbert et al. (US 5,600,841).

Regarding claim 37, Potega discloses a method for managing power data

(power management software), comprising: determining a systematic error of

power data (e.g. [0118], [0273]-[0275]), supplied to an operating system by a

battery (computer running power management software monitors status of

battery and control power supplied, [282]-[285], [183]-187]), used for identifying

an amount of power used by a system running an application by determining an

update granularity of the power data (power supply data update by software,

[0431]).

Potega fails to teach dividing the update granularity of the power data by

the time period; and generating an indication to a user if the systematic error

exceeds a predetermined value.

Karunaratne teaches dividing the update of the power data by the time period (e.g. [0074]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform steps of dividing the update of the power data by the time period as taught by arunaratne in a method for managing power data of Potega for the purpose of providing a method for estimating a power requirement of a circuit design (Karunaratne, [0013]).

Culbert et al. teach generating an indication to a user if the systematic error exceeds a predetermined value (e.g. Col.8, lines 8-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform step of generating an indication to a user if the systematic error exceeds a predetermined value as taught by Culbert et al. in a method for managing power data of Potega in view of Karunaratne for the purpose of providing a system for controlling power in electronic devices (Culbert et al., Col.1, lines 11-14).

Allowable Subject Matter

7.   Claims 1-6, 12, 13-15, 17, 18-20, 24, 31-35 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, in combination with other limitations of the claims, none of the prior art of record teaches or suggests the combination of a method for managing power data, comprising steps of: determining a net power consumption of the application from the amount of power used by the system

running the application and the amount of power used by the system in the

baseline state; determining a systematic error of the power data used for

determining the amount of power used by the system running the application by

determining an update granularity of the power data and dividing the update

granularity of the power data by the first time period; and generating an indication

to a user if the systematic error exceeds a predetermined value. It is these

limitations as they are claimed in the combination with other limitations of claim,

which have not been found, taught or suggested in the prior art of record, that

make these claims allowable over the prior art.

Regarding claim 13, in combination with other limitations of the claims,

none of the prior art of record teaches or suggests the combination of a method

for managing power data, comprising steps of: generating a new run-time to run

the application and displaying the new run-time to a user if the update frequency

is insufficient. It is these limitations as they are claimed in the combination with

other limitations of claim, which have not been found, taught or suggested in the

prior art of record, that make these claims allowable over the prior art.

Regarding claim 18, in combination with other limitations of the claims,

none of the prior art of record teaches or suggests the combination of an article

of manufacture comprising a machine accessible medium including sequences of

instructions the sequences of instructions including instructions which when

executed causes the machine to perform: determining a net power consumption

of the application from the amount of power used by the system running the

application and the amount of power used by the system in the baseline state;

determining a systematic error of the power data used for determining the

amount of power used by the system running the application by determining an

update granularity of the power data and dividing the update granularity of the

power data by the first time period; and generating an indication to a user if the

systematic error exceeds a predetermined value. It is these limitations as they

are claimed in the combination with other limitations of claim, which have not

been found, taught or suggested in the prior art of record, that make these claims

allowable over the prior art.

Regarding claim 31, in combination with other limitations of the claims,

none of the prior art of record teaches or suggests the combination of a method

for managing power data, comprising steps of: determining a net power

consumption of the application from the amount of power used by the system

running the application and the amount of power used by the system in the

computing a first net power value using power capacity data and a second net

power data using drain rate data; and generating an indication to a user if the

difference between the first and the second net power values exceeds a

threshold value. It is these limitations as they are claimed in the combination with

other limitations of claim, which have not been found, taught or suggested in the

prior art of record, that make these claims allowable over the prior art.

Response to Arguments

8.   Applicant's arguments filed 03/27/2006 have been fully considered but

they are not persuasive.

-Applicant argues that the prior did not teach "a data retriever unit to retrieve power data to an operating system by a battery; and a data processor unit to determine a net power consumption of an application from the power data" as cited in claim 25.

Examiner position is that Thelander et al. teach a data retriever unit to retrieve power data to an operating system by a battery; and a data processor unit to determine a net power consumption of an application from the power data as discussed above.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10.   Specifically Karunaratne has been added to other ground of rejection.

Contact Information

11.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to John H. Le whose telephone number is 571

272 2275. The examiner can normally be reached on 9:00 - 5:30.

    If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John E. Barlow can be reached on 571 272 2269. The

fax phone number for the organization where this application or proceeding is
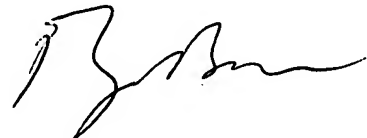
assigned is 571-273-8300.

    Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through Private

PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

John H. Le   BRYAN BUI
                                                                    PRIMARY EXAMINER
Patent Examiner-Group 2863

November 13, 2006